

EXHIBIT 1

CWA Extension of Time Application for
WFBR(FM), Cambridge Maryland
FCC File No. BMPH-920205JX

DUPLICATE

LAW OFFICES
CORDON AND KELLY
P. O. Box 6648
ANNAPOLIS, MARYLAND 21401
TELEPHONE: 410-280-6290
TELECOPIER: 410-626-7794

DENNIS J. KELLY
(ADMITTED IN THE DISTRICT
OF COLUMBIA ONLY; PRACTICE
LIMITED TO COMMUNICATIONS
LAW AND RELATED MATTERS
BEFORE FEDERAL AGENCIES AND
COURTS)

February 4, 1992

WASHINGTON, DC OFFICE:
1920 N STREET, N.W.
SECOND FLOOR
WASHINGTON, DC 20036
TELEPHONE: 202-293-2300

Federal Communications Commission
Mass Media Services
Post Office Box 358195
Pittsburgh, PA 15251-5195

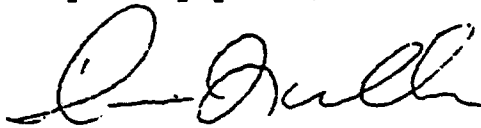
Gentlemen:

There is transmitted herewith in duplicate on behalf of
CWA Broadcasting, Inc. an application on FCC Form 307 for
extension of time in which to construct FM Broadcast Station
WFBR, Cambridge, Maryland.

The required FCC Form 155 and filing fee check in the
amount of \$200.00 are affixed to the original of this
submission.

Should additional information be desired in connection
with the above matter, kindly communicate with this office.

Very truly yours,


Dennis J. Kelly

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

BMPH-920305-JK
File No.

1. Legal Name of Applicant (See Instruction C) CWA BROADCASTING, INC.		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 35 Old Solomons Island Road Annapolis, MD 21401		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BMPH-910118IG Call Letters WFBR Frequency 94.3 MHz Channel No. 232A Station Location Cambridge, MD	
Telephone No. (Include Area Code) 410-266-6996			
5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. not applicable			
6. EXTENT OF CONSTRUCTION: (a) Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: On Whom Ordered (If no order has been placed, so indicate) See Exhibit No. 1			
Date Ordered		Date Delivery Promised	
		(b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.	
		(c) Estimated date by which construction can be completed. Within 120 days after receipt of zoning approval	
7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed. (b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s). not applicable			
8. Are the representations contained in the application for construction permit still true and correct? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If NO, give particulars in Exhibit No. _____			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant CWA BROADCASTING, INC.	Signature C. W. Adams
Title President	Date February 4, 1992

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.

REASONS IN SUPPORT OF EXTENSION OF TIME

The public interest, convenience and necessity would be well served by a grant of this application. The following are reasons in support of favorable action:

1. The grant of the construction permit at Cambridge to CWA Broadcasting, Inc. (CWA) did not become final until June, 1991. Although the Commission's action affirming CWA's grant was released in March, 1990, appeals were filed by two unsuccessful applicants--by Robert Purcell d/b/a Big Bay Broadcasting and by D'Adamo Communications--in the United States Court of Appeals for the District of Columbia Circuit. As it turned out, neither of these appellants filed briefs with the court, but the Court did not terminate the appeal proceeding until June, 1991. Therefore, despite the fact that the Mass Media Bureau staff sua sponte issued the construction permit in 1990, CWA has not had a full eighteen months from the time its grant became final to construct WFBR. This is an independent reason why an extension of the construction permit must be granted.

2. In 1985, at the time CWA filed its application at the FCC, it simultaneously prosecuted a zoning variance for its originally proposed transmitter site near Trappe, Maryland, before the Talbot County (Maryland) Board of

Appeals. This was granted at that time. However, because of the over 5 year life of the FCC licensing proceeding for Channel 232A at Cambridge, CWA had to refile its zoning request. By a 3-2 vote of the Talbot County Board of Appeals on March 20, 1991, this second variance request was denied (see Attachment A). This vote was a reversal of the preliminary approval granted to CWA (see Attachment B, articles from The Star-Democrat, Easton, MD, February 7 and February 20, 1991, respectively; and Attachment C, documents from the Talbot County planning office). At the present time, CWA's President, Charles W. "Hoppy" Adams, Jr., is still attempting to get zoning approval for the facilities covered in File No. BMPH-910118IG (see Attachment D).

The Commission has historically granted extensions of time for zoning problems beyond the control of the applicant. This is one of those situations beyond the control of CWA. Therefore, the extension of the construction permit must be granted.

3. In addition to the first two reasons, CWA's President and 100 percent owner, Mr. Adams, has been ill since April, 1991. He is recuperating at home, and expects to feel well enough in 1992 to see the construction of WFBR and commencement of broadcast operations through. Mr. Adams and CWA represent the first Black owned-and-operated radio station on the Eastern Shore, and the public interest is well

- 3 -

served by the Commission giving CWA every opportunity to construct and operate this station.

EXHIBIT A



TALBOT COUNTY OFFICE
OF
PLANNING AND ZONING

COURTHOUSE
EASTON, MARYLAND 21601
PHONE 301-822-2030

DANIEL R. COWEE
Planning Officer

BARRY F. GRIFFITH

Assistant Planning Officer

August 16, 1990

Mr. Charles W. Adams, Jr.
Annapolis Broadcasting Corp.
P.O. Box 631
Annapolis, MD 21404

Dear Mr. Adams:

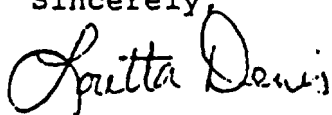
After extensive discussion with Judge Clark, Chairman of Board of Appeals, the following decision has been reached.

Judge Clark feels that while the delays were through no fault of your own, it has been four years since the Board's original decision and he feels the residents of Talbot County should have the opportunity to re-hear this case. This decision was verified when he learned of your intention to also place the studio at this location. Since the studio was not a part of the original decision, it would be necessary to re-hear the case for this reason.

Therefore, the application given you on August 15, should be filled out and returned with the \$300.00 filing fee so you can be scheduled for a hearing.

Please contact Eva Jordan if you have any questions about your application. Please be sure to read all the instructions on the application.

Sincerely,



Loretta Denis
Zoning Enforcement Officer

cc: Talbot County Board of Appeals file #589

MINUTES OF PUBLIC HEARING
TALBOT COUNTY BOARD OF APPEALS

Appeal No. 831

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Court House, Easton, Maryland, at 7:00 p.m., on February 18, 1991, on the application of CWA BROADCASTING, LTD. requesting a Variance for the erection of a 325 foot FM radio transmitting tower and a Special Exception to construct a radio tower and accessory transmitter and studio on property located near Trappe. The application is made in accordance with Sections 19-11(a)(4), 19-21(c)(3) and 19-20(e) of the Talbot County Code. The property that is the subject of the application is located on Money Make Road and is in an A-2 zone.

Present were the Honorable Harry E. Clark, Chairman, Edzel L. Turner, Vice-Chairman, Robert K. Huntington, John M. Barto and Paul Shortall, Jr., constituting the Board of Appeals. Also present was Glenn D. Klakring acting as substitute attorney for the Board of Appeals. Mr. Charles W. Adams, Executive Vice President of CWA Broadcasting, Ltd. (CWA), appeared on behalf of its application. CWA was represented by Philip E.L. Dietz, Jr., Esquire and Christopher Burlee Kehoe, Esquire. Various neighboring residents and other interested parties also appeared. A number of those appearing were members of the Bolingbroke Association which was represented at the hearing by Michael J. Jacobs, Esquire.

All witnesses who testified were sworn and it was noted for the record that all members of the Board had visited the site. The following exhibits were offered and entered into evidence as Board's Exhibits:

1. Application for Variance and Special Exception;
2. Tax Map Tracing with subject property outlined in red;
3. Appeals Notice of Public Hearing;

4. Certificate of Publication from the Star-Democrat of Appeals Notice of Public Hearing;
5. Notice of Hearing with list of property owners notified;
6. Letter dated February 4, 1991, from Marion H. Chambers, III, to Talbot County Board of Appeals opposing the 325' FM radio tower;
7. Petition opposing the proposed FM radio transmitter tower signed by numerous persons;
8. Copy of Variance requirements signed by Philip E. L. Dietz, Jr.;
9. Copy of Special Exception requirements signed by Philip E. L. Dietz, Jr.;
10. Planning Commission comments regarding the Appeal;
11. Memorandum dated February 7, 1991, from Daniel R. Cowee, Planning Officer to Board of Appeals members;
12. Sign Maintenance Agreement;
13. Site plan of subject property showing location of existing building and proposed tower;

The Chairman announced that while the Board was obligated to seek the comments of the Talbot County Planning Commission it was not bound by its recommendations. The Board determined the required sign had been posted on the property in accordance with the public notice requirements of the Talbot County Code.

The first person called to testify was Charles W. Adams who gave his address as WANN, Bay Ridge Avenue, Annapolis, Maryland. Mr. Adams is the Executive Vice President of the applicant company. He has been an radio broadcaster and executive for many years in the Annapolis area. The instant application is to establish a radio station that would serve the public

in Talbot, Caroline and Dorchester Counties. The broadcasting would be geared primarily toward Black audiences. The broadcast area would be approximately 25-35 miles. The instant application is identical to his application of 1985 (Appeal No. 589) except that CWA is now asking permission to place its studio in the same location as the tower. The prior application provided that the studio would be located in Cambridge. A copy of the Board's decision in Appeal No. 589 approving the application was offered and admitted as Applicant's Exhibit No. 1.

Mr. Adams explained that he did not construct the tower after obtaining the original variance and special exception because of delays in getting the required Federal Communications Commission (FCC) approval for the radio station.

Mr. Adams said that the broadcasting studio would be placed in an existing building on the property which is about 900 feet from Money Make Road. The transmitting tower would be behind the building. The only exterior changes to the property other than the tower and its supporting guy wires would be cosmetic repairs to the existing building. There would be adequate parking on the property and at most only three cars would be on the property at any one time. Sales employees would not conduct their business on the property. He said that the radio broadcasting from the site would not interfere with the radio or television reception of neighboring property owners. FCC regulations prohibit such interference.

Mr. Adams stated that his application with the FCC identified Cambridge as the location of the radio station. However, that was only done as a convenience and if the Board of Appeals were to approve his application CWA would need only notify FCC of the relocation of the studio.

The next witness to testify was Z. H. Stafford, III, 26 South Washington Street, Easton, Maryland. Mr. Stafford is a real estate broker doing business in Talbot County and is familiar with the area surrounding the subject property. Mr. Stafford does not reside in the area of the

proposed tower, however, he is part owner of a subdivision located near the proposed tower. The subdivision is known as Holly Acres and is located within one mile of the proposed tower at the intersection of Money Make Road and Beaver Dam Road. Mr. Stafford said that the other towers that have been built in the area have had no economic impact on his property and he believed that the proposed tower would have no adverse impact on property values in the area.

Mr. Guy C. Toms was then called by the Applicant. Mr. Toms is a Talbot County tax assessor whose business address is 215 Bay Street, Easton, Maryland. Mr. Toms was accepted as an expert in the valuation of real property. Mr. Toms is familiar with the subject property and the surrounding properties. It was his opinion that the previously constructed radio towers in the area have had no adverse impact on the valuation of the properties. During his testimony the Applicant offered a list of property owners who were notified of the Dover Radio Page Board of Appeals hearing. (That hearing was on the most recent communication tower built in the Trappe area.) The list shows the full cash value of the property owned by those surrounding property owners both prior to and after the construction of the tower for Dover Radio Page. The list, which was admitted as Applicant's Exhibit No. 2, generally showed an increase in the valuation of the properties.

The Rev. Joseph W. Williams, Main Street, Trappe, Maryland was called by the Applicant. Rev. Williams is the rector of Scott's United Methodist Church in Trappe and knows Mr. Adams. Mr. Williams is familiar with the program and plans for the new station and it was his opinion that the proposed program content would be beneficial for the Black community in Talbot, Caroline and Dorchester Counties. He stated that it would fill a gap that presently exists as there are currently no Black oriented radio stations in the mid-shore area.

Mr. Charles F. Benson was then called by the protestants. Mr. Benson is the real estate broker and a principal in the firm of Walsh & Benson, Easton, Maryland. Mr. Benson was accepted as an expert in the valuation of real estate and he stated that he was familiar with the area that is the subject of the application. It was his opinion that radio towers generally are not compatible with the area. It was his opinion that radio towers should not be in the A-2 zone.

Next to testify was Mr. Kurt Petzold, a real estate broker, who gave his address as Easton, Maryland. Mr. Petzold testified that he was familiar with the entire area. He felt that tall radio towers have a negative impact on the value of all properties in the area of the radio towers. Any property next to property with a tall radio tower would be valued less than if there were no radio tower. It was his opinion that radio towers should be in commercial areas and not in agricultural or residential areas.

Mr. Osborne Owings, Jamaica Point Farm, Trappe, Maryland testified next on behalf of the protestants. Mr. Owings is a nearby property owner and he read a statement which he said represented the views of a group of neighboring property owners. He recited the opinion that the proposed radio tower and studio would reduce the value of the surrounding properties. He offered as an exhibit a copy of a recent map of the Trappe area with existing radio towers and the proposed tower marked in red. Attached to that map were photocopies of pages from a book showing an early map of the area and pictures of various historical homes in the area. That exhibit was admitted collectively as Protestant's Exhibit No. 1.

Mr. Curtis Prendergast, Trappe, Maryland testified next on behalf of the Protestants. Mr. Prendergast is a nearby property owner. He testified that Trappe has the greatest concentration of radio towers in Talbot County. He testified that presently radio station WCEM, which broadcasts from Cambridge, Maryland interferes with his reception of Channel 13, a Baltimore

television station. He testified that through his research of the television station frequencies and radio station frequencies he concluded that the proposed new FM radio station would interfere with his reception of Channel 9, a television station broadcasting out of Washington, D.C. During the course of his testimony, Mr. Jacobs offered a list of members of the Bolingbroke Association who were opposed to the approval of the radio station and broadcast tower. That list was admitted as Protestant's Exhibit No. 2. In addition, during the course of Mr. Prendergast's testimony he offered a copy of his written statement which outlined in detail the reasons he concludes that the new radio station would interfere with his reception of Channel 9. That was admitted as Protestant's Exhibit No. 3. He also offered a map of Talbot County with the existing communication towers near Trappe as well as the proposed tower on Money Make Road located on the map. The map was printed in the 1970's and shows then existing buildings at various locations throughout the county. Mr. Prendergast updated the map by drawing in black ink the residential structures that have been constructed in the area surrounding the proposed tower since the map was printed. There appears to be approximately 50 new residential structures in the area. The map was admitted as Protestant's Exhibit No. 4. The Protestant's also offered an FCC Interference Handbook which was admitted as Protestant's Exhibit No. 5 and an FCC information bulletin dated February 1987 which was admitted as Protestant's Exhibit No. 6.

The next person to testify was Mr. Philip Newcomb. Mr. Newcomb lives on Cod's Point Road near Trappe, Maryland. It was his position that the proposed radio station and tower was not in harmony with the residential and agricultural character of the area. He stated that there were many new homes that had been constructed in the area since the first approval of a radio tower. It was his opinion that were the radio tower and station to be allowed it would be detrimental to the value of his property as well as the surrounding properties.

Next to testify was Col. Jack K. Sun who lives at Rt. 1, Box 77A, Chancellor Point, Trappe. Col. Sun offered a written statement with attachments. His position was that the proposed radio station and tower was incompatible with the residential and agricultural character of the neighborhood. He protested the establishment of a commercial radio station in a non-commercial zone. Col. Sun was also concerned about the potential impact of the development of the radio station on the wild birds and migratory waterfowl that frequent the area. He felt that the tower and the required guy wires would cause many of the birds that frequent that area to be killed. Additionally, he felt that the existing towers in the area cause electronic interference with his television reception and an additional radio station would only cause more interference. Col. Sun's statement with attachments was admitted as Protestant's Exhibit No. 7.

Following the testimony of the aforementioned witnesses the attorneys offered closing arguments. Thereafter, the public meeting was adjourned and, following deliberation, on motion duly made and seconded, the following findings were made:

1. All legal requirements pertaining to a public meeting were fully complied with.
2. The Board first considered the request for a special exception for the construction of "a radio tower and accessory transmitter and studio on the subject property." The request is made pursuant to Section 19-21(c)(3) of the Talbot County Code on the basis that the proposed structures would be public or quasi-public structures and, thus, a special exception use in the A-2 zone. The Board of Appeals disagrees and finds that as a matter of law it cannot grant the requested special exception. The zoning ordinance defines quasi-public as "(a)available for public use although under private ownership or control." (Code §19-19(b).) The Applicant points out that the station will be the designated Emergency Broadcasting System station for Dorchester County. Also, the applicant stated that the station will be available for some public service

announcements. The Board concludes that these factors do not make a privately owned, for profit radio station a quasi-public building or structure as defined by the zoning ordinance. In addition, the A-2 zone and the C-2 zones have identical provisions allowing for special exceptions for "(p)ublic and quasi-public buildings and structures of a recreational, conservational, cultural and public service type." Sections 19-21(c)(3) and 19-29(c)(14). However, the C-2 zone has specifically provided for radio stations or broadcasting stations as a special exception use. Section 19-29(c)(15). The A-2 zone does not. The only conclusion that the Board of Appeals can draw from that omission is that the County Council did not intend that radio stations or broadcasting stations be a permitted or special exception use in the A-2 zone. The ordinance being an exclusionary type ordinance (Code §19-6) the Board does not have the power to grant the requested special exception. It would seem to be consistent that the County Council would provide for the location of commercial broadcasting stations in commercial zones.

Even if the Board had the power to grant the requested Special Exception it would not do so as it finds that the proposed commercial radio broadcasting studio is not consistent with the general plan of physical development of the County or in harmony with the general character of the neighborhood of the subject property. The neighborhood is primarily agricultural except for some residential development. Commercial development in the area has been concentrated on the Route 50 corridor.

3. The Board next considered the request for a Variance and Special Exception for the construction of a 325' FM radio broadcasting tower on the subject property. The Board of Appeals declines to grant either the Special Exception or the Variance required for the towers construction. The Board is not persuaded that the proposed transmitting tower will be in harmony with the general character of the neighborhood. While there are other tall radio towers in the

general Trappe area they are located along the Route 50 corridor. The proposed site for the instant radio tower is removed from the Route 50 corridor and placed in the middle of an area that is mostly farm land. The only development in the area is single family residential. Further, the Board is not persuaded that the construction of the proposed radio transmitter tower will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the surrounding neighborhood. There is evidence that properties in the area have increased in value despite the construction of a communications tower along the Route 50 corridor. However, the Board concludes that the proposed tower which would be located away from Route 50 would potentially cause an adverse effect on the value of surrounding properties. Additionally, the Board notes that the area surrounding the proposed site of the transmitting tower has become increasingly residential since Appeal No. 589 was approved. The Board concludes that the denial of the requested Variance would not result in an unnecessary hardship on the Applicant. The Applicant is not the owner of the property but owns an option to buy the property. There are potentially many other sites that are available that would be more suitable for commercial use such as a radio broadcasting tower. The Applicant has not demonstrated that:

- A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
- B. Literal interpretation of the provisions of the ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zone under the terms of the ordinance.
- C. That special conditions or circumstances do not result from the actions of the Applicant.
- D. Granting the Variance requested will not confer upon the Applicant any special privileges that is denied by this ordinance to other lands, structures or buildings in the same zone.


HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE
TALBOT COUNTY BOARD OF APPEALS


RESOLVED, that the application of CWA BROADCASTING, LTD., is hereby DENIED.

Given over our hands this 22nd day of March, 1991.

TALBOT COUNTY BOARD OF APPEALS


Harry E. Clark, Chairman


John M. Barto


Paul Shortall, Jr.

The undersigned members of the Board of Appeals would have approved the application for the 325' radio transmission tower only. They agree with the majority of the Board that it does not have the power to approve a radio station or broadcasting station in the A-2 zone. However, they believe that the Applicant has met the burden of proof for a Special Exception and a Variance for the construction of the broadcasting tower. They were convinced that the proposed tower would have no detrimental effect on surrounding properties or neighborhoods and that the use was consistent with the plan for physical development of the surrounding area; as specifically stated in sections 21.01-3 and 21.01-10 of the Talbot County Zoning Ordinance and further clarified in the proposed zoning ordinance (introduced by the County Council on March 5, 1991) in section 19.4, page 421, "Antenna Tower for Radio and Television Transmission and other non-essential radio communications."


Edzel L. Turner, Vice-Chairman

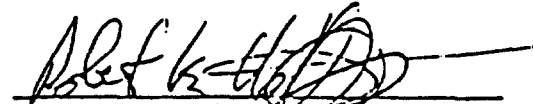
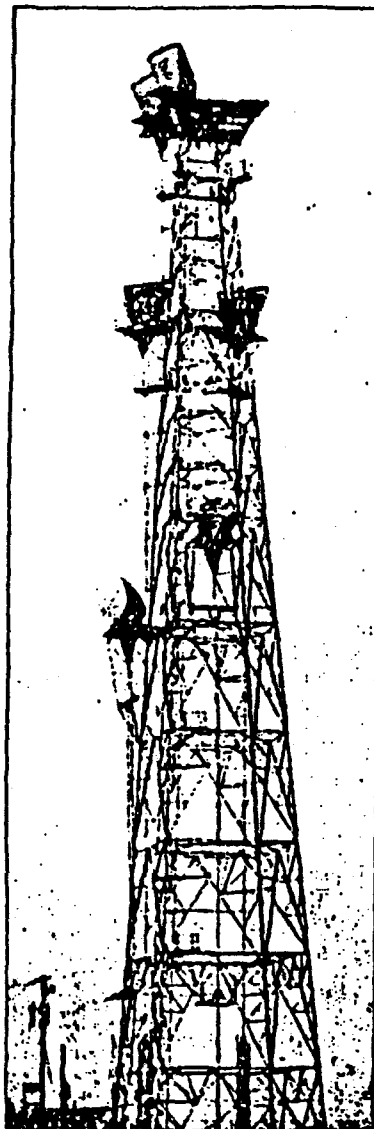

Robert K. Huntington

EXHIBIT B



One of three communications towers near Trappe. Trappe-area residents are fighting a proposal to erect another tower.

Tentative OK given for radio tower in Trappe

By GEORGE HULSEMAN
Staff Writer

TRAPPE — An Annapolis man has been given preliminary approval to construct a 325-foot communications tower for a new radio station and local residents are getting mad.

Trappe residents presented a petition to the Talbot County Planning Commission Wednesday in an effort to stop what is perceived as intrusion into a predominantly residential area. Already three communications towers stand within about a mile of one another and area residents don't want another.

"The Trappe area is becoming an antenna farm," said Phillip Newcomb. "This is a residential area. We don't need another tower when we have three already."

"This is a commercial structure placed right here in the middle of what's considered a residential area," said Charles Frick, another resident.

Meanwhile, Charles W. "Hoppy" Adams Jr., executive vice-president and a radio personality for WANN in Annapolis, is one step closer to starting his own radio station on the Mid-Shore after more than six years of

struggling through the permit process.

"I don't want to change anything," said Adams. "I don't even want to put neon signs up or anything. I want to keep everything the way it is."

The planning commission, following a meeting on Wednesday, is recommending that a special exception and variance for the project be approved. A final decision will be made by the Talbot County Board of Appeals, which meets on Monday.

The recommendation, as proposed by commission member Ralph Simmons, requires Adams to look into the possibility of using one of the existing nearby towers to broadcast the station's radio signals. None of the three towers in the Trappe area — a microwave tower, a cellular phone tower and a telephone relay station — would be competing with the radio station.

But Adams said such a move would be impossible without going through FCC permit procedures all over again.

Adams initially received approval for a similar special exception in 1985, but by the time an FCC permit was issued, county

Please see TOWER, p.11A

Tower

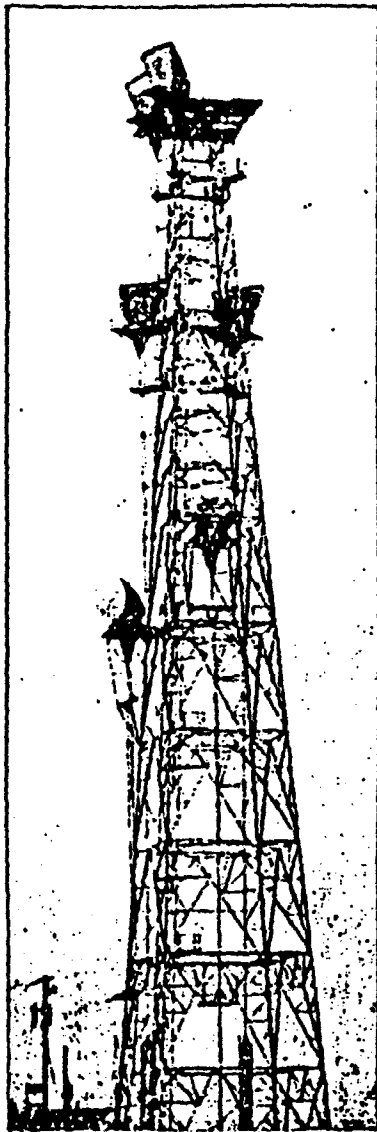
from page 1a

approval had expired. Originally, the station was to be located in Cambridge and be broadcasted from the site near Trappe.

If approved by the appeals board, both the radio tower and the studio would be placed on the property of James Eason on Money Make Road near Trappe. A purchase agreement is in the works, Adams said.

Adams said the 3,000-watt FM station, assigned the call letters WFBR, will cover most of the Eastern Shore and parts of Maryland and Delaware. The station has been designated to carry the state's emergency broadcast system in Dorchester County. Adams has refused to comment on the station's programming.

"All I can say now is we will be an equal opportunity station," he said. "As far as the programming is concerned I haven't figured that out yet."



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from page 1a

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EXHIBIT C



DANIEL R. COWEE
Planning Officer

TALBOT COUNTY OFFICE
OF
PLANNING AND ZONING
COURTHOUSE
EASTON, MARYLAND 21601
PHONE 301-822-2030

BARRY F. GRIFFITH
Assistant Planning Officer

MEMORANDUM:

DATE: February 7, 1991
TO: Board of Appeals Members
FROM: Daniel R. Cowee, Planning Officer *D.R.C.*
RE: C W A Broadcasting, Ltd. c/o Mr. Charles W. Adams,
Jr. - #831 Special Exception & Variance

The Special Exception for a radio tower with studio for Mr. Charles W. Adams, Jr. was reviewed February 6, 1991, by the County Planning Commission. During that meeting, the Planning Commission made the determination that the Radio Station Studio was considered a quasi-public use of a public service type, therefore, allowed at the same location as the tower in an A-2 zone if approved by the Board of Appeals.

I do not agree with the Planning Commission's interpretation. The studio (radio station) is a commercial use and should be treated as such. The Board's original approval of Mr. Adams' request in 1985 included only the tower and not a studio. Apparently, at that time, the studio was to be located in Cambridge, separate from the tower, so the studio use was never discussed.

My justification is based upon the fact that the use of "Radio stations or broadcasting stations" is specifically listed as a special exception use under Section 29.02 of the Talbot County Zoning Ordinance. Section 29 is the C-2 Commercial Zone. Also listed in the C-2 zone under special exception uses is "Public and quasi-public buildings and structures of a recreational, conservational, cultural and public service type", a complete and distinctly different use. Section 21 which is the A-2 Agricultural zone, allows for "Public and quasi-public buildings and structures of a recreational, conservational, cultural and public service type" as a special exception use, but specifically does not list "Radio stations or broadcasting stations." If this use was intended to be allowed as a special exception in the A-2 zone, it would have been listed as it is in the C-2 zone.

Based upon this finding, Radio stations or broadcasting stations (studios) are not allowed in the A-2 zone as written nor are they included under the umbrella of "Public and quasi-public buildings and structures of a recreational, conservational, cultural and public service type."

APPEAL NO. #831

APPLICANT: C W A Broadcasting, Ltd.

HEARING DATE: February 11, 1991

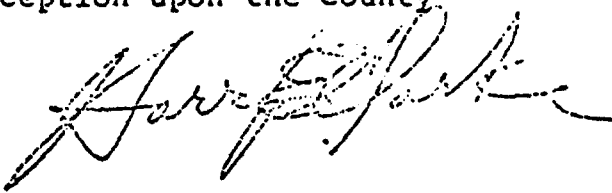
PLANNING COMMISSION

MEETING DATE: February 6, 1991

DRAFT

Sir:

In accordance with Section 11.05 of the Talbot County Zoning Ordinance, dated November 24, 1974, this letter requests the advice of the Planning Commission in reference to the above-numbered Appeal concerning the impact of the Variance and/or Special Exception upon the County Comprehensive Plan.



Chairman
Talbot County Board of Appeals

PLANNING COMMISSION COMMENTS

Board of Appeals - A motion was made by Ralph Simmons seconded by Richard Hutchison to recommend approval of the CWA Broadcasting, Ltd. request for a Special Exception and Variance. They suggest that the Board of Appeals explore the possibility of requiring that CWA Broadcasting, Ltd. utilize an existing tower in the area to avoid construction of a new tower. Heikes - nay, Hutchison - aye, Simmons - aye, Kabler - aye.

Site Plan Review #175 - A motion was made by Richard Hutchison seconded by Carol Kabler to recommend approval of the site plan for CWA Broadcasting, Ltd. as presented, noting that all setbacks for the structure must be met. The motion was unanimous.



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Bernard Folker, Zoning Administrator